

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HUMBERTO RIVERA, JR.,  
Plaintiff,

v.

TOWN OF NEW FAIRFIELD; NEW  
FAIRFIELD RESIDENT TROOPER'S  
OFFICE; PO/TROOPER DAVID  
KOONITSKY; PO/TROOPER JAMIE  
OLSOWY; PO/TROOPER JAMES KING; and  
PO/TROOPER DAVID THARAS,  
Defendants.  
-----X

**ORDER**

22 CV 1874 (VB)

For the reasons set forth on the record at a conference held today, attended by plaintiff, proceeding pro se, and all defense counsel, the motion to dismiss the Third Amended Complaint as to defendant New Fairfield Resident Trooper's Office is GRANTED. (Doc. #71).

Under Connecticut law, "municipal departments, including police departments" are not legal entities that may be sued "separate and apart from the municipality they serve." Rose v. City of Waterbury, 2013 WL 1187049, at \*9 (D. Conn. Mar. 21, 2013). "Rather, it is the municipality itself which possesses the capacity to sue and be sued." Id.; Weitz v. Greenwich Police Dept., 2005 WL 375302, at \*2 (Conn. Super. Ct. Jan. 10, 2005) (same); see also Nicholson v. Lenczewski, 356 F. Supp. 2d 157, 164 (D. Conn. 2005) ("A municipal police department . . . is not a 'person' within the meaning of section 1983."). Here, the municipality is the Town of New Fairfield, which is already a party to this case. The New Fairfield Resident Trooper's Office is not an independent entity amenable to suit.

Accordingly, plaintiff's claims against defendant New Fairfield Resident Trooper's Office are dismissed.

The Clerk is instructed to terminate defendant New Fairfield Resident Trooper's Office from the docket.

The Clerk is further instructed to terminate the motion. (Doc. #95).

Dated: November 8, 2023  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti  
United States District Judge